IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.6437 of 2006
DATE OF ORDER: 23.4.2007

Jeon Singh

...Petitioner(s)

Versus

Kirpal Singh and Another

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. I.S. Brar, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 27.10.2006 passed by Additional District Judge, Faridkot whereby an appeal filed by the present petitioner-decree holder against order dated 7.1.2006 passed by Additional Civil Judge(Sr.Divn.), Faridkot was dismissed.

It comes out that there was a decree of Rs.82,000/- as principal amount along with interest as against the present petitioner and an amount of Rs.1,37,047/- was due. However, 22 kanal, 4 marlas of land of JD was sold by way of public auction to satisfy the decree for a sum of Rs.3,55,000/-.

On behalf of the petitioner, it is argued that the entire property of the JD could not be sold and the Court was bound to record as to how much sale of the property could satisfy the decree, which has not been done and that there was violation of order Under Order 21 Rule 64 CPC. Counsel for the petitioner relies on a judgment of Hon'ble Supreme Court reported in Ambati Narasayya v. M Subba Rao and another, AIR 1990 SC 119.

I have gone through the judgments of courts below. Even if the decree could be satisfied by the selling portion of the property, still I find that there are two concurrent findings of the courts below.

I do not find any good ground to interfere now.

Dismissed.

April 23, 2007 (M.M. AGGARWAL)
manoj JUDGE